



**AS(MD) No.179 of 2023**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Civil Appellate Jurisdiction )**

**Monday, the Sixth day of November Two Thousand and Twenty Three**

**PRESENT**

**The Hon`ble Mr.Justice RMT.TEEKAA RAMAN  
and  
The Hon`ble Mr.Justice P.B. BALAJI**

**AS(MD) No.179 of 2023  
AND  
CMP(MD)No. 10099 of 2023**

**V.KALUSIVALINGAM**

**...APPELLANT/DEFENDENT**

**Vs**

**V.LAKSHMANAN**

**...RESPONDENT/PLAINTIFF**

Appeal Suit filed under Section 96 of Civil Procedure Code, to set aside the judgment and decree dated 31-01-2023 in O.S.No.7 of 2016 on the file of Additional District Judge, Virudhunagar and allow this appeal with costs and thus render justice.

**Prayer in CMP(MD). 10099/ 2023 :**

To stay the judgment and decree passed in O.S.No.7 of 2016 dated 31-01-2023 on the file of the file of the Additional District Judge, Virudhunagar until the disposal of the above appeal and thus render justice.

**ORDER :** This Appeal Suit coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of V.KALUSIVALINGAM, PARTY IN PERSON for the appellant, and of MR.SELVA ADITYA, Advocate on behalf of the Respondent, the court made the following order:-

<https://www.mhc.tn.gov.in/judis>



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(Order of the Court was made by RMT.TEEKAA RAMAN, J.,)

Mr.Kalusivalingam, party-in-person for the appellant present before this Court. He has marked Ex.B.2 to Ex.B.4 and the same is in hand. The appeal suit has arisen out of a suit for partition by the younger brother and the said suit was decreed. The appellant, Kalusivalingam has filed written statement alleging that the property is not available for partition. The specific plea that was raised in the written statement by the appellant/defendant while he was working as a Chief Engineer, Highways Department, was that he had earned money and handed it over to his father, and the father had purchased the property. However, in the sale deed, the names of the appellant/defendant and the respondent/plaintiff are jointly purchased and the same is not known to him, which is one of the main grounds that was agitated in the appeal. The name of the respondent/plaintiff is only as a lender.

2. The passing of final decree alone is stayed. In all other respects, the final decree shall go on.

3. The appellant is directed to file Ex.B.2 to Ex.B.4 before the concerned filing section of this Court.

4. Registry is directed to call for records.



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5. Post the matter after four weeks.

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sd/-  
06/11/2023

/ TRUE COPY /

/01/2024  
Sub-Assistant Registrar  
(C.S.I /II /III /IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI

TO

THE ADDITIONALDISRICT JUDGE  
VIRUDHUNAGAR.

+1. C.C. to V.KALUSIVALINGAM, (PARTY IN PERSON) SR.No.16004(I) dt:  
06/11/2023

ORDER  
IN  
AS(MD) No.179 of 2023  
AND  
CMP(MD)No. 10099 of 2023  
Date :06/11/2023

PKP/VR/SAR- /03.01.2024/ 3P/ 3C  
Madurai Bench of Madras High Court is issuing certified  
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